

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

AUTOMATED LAYOUT TECHNOLOGY,
LLC,

Plaintiff/Counter Defendant,

vs.

PRECISION STEEL SYSTEMS, LLC, and
NICHOLAS DONNER,

Defendants/Counter Claimants.

4:20CV3127

THIRD AMENDED
CASE PROGRESSION ORDER

This matter is before the Court on the Joint Motion Entry of Proposed Case Progression Order ([Filing No. 178](#)). After review of the motion, the Court finds good cause to grant the requested amendments. Accordingly,

IT IS ORDERED that the Joint Motion for Entry of Proposed Case Progression Order ([Filing No. 178](#)) is granted, and the nunc pro tunc second amended case progression order ([Filing No. 177](#)) is amended as follows:

1. **Claim Construction Proceedings.** The parties agree to the following schedule for claim construction proceedings and amended subsequent deadlines for U.S. Patent Nos. 10,576,588 and 11,426,826 until the Court rules on Defendants' motion to stay:
 - a. The parties shall exchange lists of claim terms to be construed and proposed claim constructions for each term by **August 1, 2023**.
 - b. The parties shall serve proposed claim constructions for claim terms identified by the other party by **August 11, 2023**.
 - c. The parties shall meet and confer to narrow proposed claim terms to be construed by **August 18, 2023**.
 - d. The parties shall file simultaneous opening claim construction briefs by **September 22, 2023**. The parties' opening claim constructions briefs shall be limited to thirty-five (35) pages, exclusive of exhibits.
 - e. The parties shall file simultaneous responsive claim construction briefs by **October 20, 2023**. The parties' responsive claim briefs shall be limited to thirty (30) pages, exclusive of exhibits.
 - f. The parties shall file the joint claim construction and prehearing statement by **November 3, 2023**.

- g. A status conference to discuss case progression, the parties' interest in settlement, and the scheduling of the claim construction hearing will be held with the undersigned magistrate judge on **November 8, 2023**, at **9:30 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.

2. **Experts:**

- a. The deadlines for completing expert disclosures for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

Proponent:	February 2, 2024
Rebuttal:	March 8, 2024

- b. The deadline to complete expert discovery is **April 12, 2024**.
 - c. The deadline for filing motions to exclude testimony on *Daubert* and related grounds remains **May 17, 2024**.
- 3. The planning conference scheduled for September 14, 2023, is cancelled. The trial and pretrial conference will not be set at this time. A planning conference to discuss case progression, dispositive motions, the parties' interest in settlement, and the trial and pretrial conference settings remains scheduled with the undersigned magistrate judge on **April 17, 2024**, at **11:00 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
 - 4. The deadline for filing motions to dismiss and motions for summary judgment remains **May 17, 2024**.
 - 5. The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
 - 6. All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 29th day of June, 2023.

BY THE COURT:

s/ Michael D. Nelson
United States Magistrate Judge